



MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

SYNOPSIS OF EMERGENCY REGULATIONS

The following document provides synopses of emergency regulations received by the AELR Committee on the dates noted below. Please contact the issuing agency for copies of the text of emergency regulations. For more information, please contact George Butler, Crystal Lemieux or Kathryn Selle at the number below.

Date Received	Title and Summary	Public Hearing Scheduled, *if any	Date & Summary of any action
April 9, 2018	Emergency Regulations DLS Control No. 18-103 Department of Natural Resources: Fisheries Service: Fish: COMAR 08.02.05.02 Striped Bass: COMAR 08.02.15.03, .09, .10 Gear: COMAR 08.02.25.01, .03 The purpose of this action is to reduce the dead discards of striped bass that occur throughout the summer/fall recreational and charter boat fisheries.		

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November 17, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-226 Maryland Department of Health: Maryland Health Care Commission: State Health Plan for Facilities and Services: Specialized Health Care Services - Acute Inpatient Rehabilitation Services: COMAR 10.24.09.01</p> <p>The amendment describes the method for identifying acute rehabilitation discharges from Maryland hospitals and hospitals located in the District of Columbia. As a result of the implementation of ICD-10 codes on October 1, 2015, the description of the method for identifying acute rehabilitation discharges must be revised in order to describe the process for obtaining the most accurate count of acute rehabilitation discharges, which are used to develop projections for the adult acute rehabilitation bed need. The projections are used to evaluate Certificate of Need applications that propose the establishment of a new acute inpatient rehabilitation hospital or the establishment of acute inpatient rehabilitation service at a general or specialty hospital. The chapter must accurately describe how the new projections will be developed.</p> <p>The commission indicates that an emergency regulation is needed because commission staff received a letter of intent on October 25, 2017 from an applicant that proposes the establishment of a new acute inpatient rehabilitation hospital in Maryland and, in its letter of intent, inquired about the commission's plan to update</p>		Emergency status beginning March 17, 2018 and expiring June 22, 2018.

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	acute rehabilitation bed need projections. The emergency amendment is needed in order for the chapter to accurately reflect the correct data sources to be used in the projections.		
November 9, 2017	<p>Emergency Regulation DLS Control No. 17-216 Department of Labor, Licensing, and Regulation: Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors -- Real Estate Appraisers: Code of Ethics: COMAR 09.19.05.01</p> <p>The purpose of this action is to amend Regulation .01 under COMAR 09.19.05 to incorporate by reference the 2018-2019 edition of the Uniform Standards of Professional Appraisal Practice (“USPAP”), which was enacted by the Appraisal Standards Board of the Appraisal Foundation, effective January 1, 2018, and with which licensed and certified real estate appraisers are required, by federal mandate, to comply.</p> <p>The commission will not be in compliance with a federal mandate requiring adoption of the 2018-2019 edition of the Uniform Standards of Professional Appraisal Practice by January 1, 2018 if emergency status is not granted.</p>		Emergency status beginning February 6, 2018 and expiring June 30, 2018.
September 15, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-174 Maryland Department of Health:</p>		

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	<p>Health Services Cost Review Commission: Rate Application and Approval Procedures: COMAR 10.37.10.03 - .11</p> <p>The purpose of this action is to set forth the process for filing a full rate application with the commission; identify the methodologies to be used in approving permanent rates; describe the annual update factor vis-à-vis the All-Payer Model Agreement, including corrective action if necessary to maintain compliance with the All-Payer Model Agreement; and provide options to hospitals for Commission review of a full rate application.</p> <p>Emergency status is requested because the current regulatory moratorium on full rate applications is due to expire on November 1, 2017.</p>		
August 22, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-152 Department of Agriculture: Office of the Secretary: Food Donation Pilot Program: COMAR 15.01.12.01-.07</p> <p>To give tax credits to Maryland farmers who donate farm grown produce to low-income organizations that support Marylanders experiencing hunger.</p>		Emergency status beginning September 8, 2017 and expiring January 3, 2018.
June 8, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-098 Department of Natural Resources:</p>		

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	<p>Fisheries Service: Crabs: COMAR 08.02.03.11, .12</p> <p>The purpose of the emergency action is to implement changes that were made to Natural Resources Article, §4-803, Annotated Code of Maryland during the 2017 legislative session. Senate Bill 59 and House Bill 1314 passed during the 2017 legislative session and will be effective July 1, 2017. This legislation requires the Department to adopt regulations to permit commercial harvesters to take crabs using legal gears one hour earlier than current rules permit on certain holidays and the day before those holidays. The proposed action allows commercial crab harvesters to start harvesting crabs one hour earlier than currently allowed on Memorial Day, July 4, Labor Day and the day immediately preceding those holidays. The change applies to all commercial gear.</p> <p>Emergency status is requested so that crab harvesters may benefit as soon as possible. If the emergency action is approved, harvesters will be able to harvest one hour early on July 3rd, July 4th, September 3rd and September 4th. If it is not approved, they will not benefit from the legislation until May 2018.</p>		
June 7, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-097 Department of Transportation: Motor Vehicle Administration--Vehicle Registration: Tax Credit Certificate: COMAR 11.15.36.01-.04</p>		

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	It is requested that the emergency status begin on July 1, 2017, to coincide with effective date of Chapter 502, Senate Bill 57, Acts of 2017.		
March 30, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-077 Maryland State Lottery and Gaming Control Agency: Gaming Provisions: Collections of Taxes, Fees, and Penalties: COMAR 09.10.03.01, .10</p> <p>The purpose of this action is to update the regulations to implement new legislation (SB 496, Ch.445) that takes effect July 1, 2017, and requires the State Lottery and Gaming Control Commission to adopt regulations allowing a casino that returns to successful players more than the amount of money bet through video lottery terminals or table games on a given day to subtract that “negative” amount from the proceeds of a following day. Losses may not be subtracted for more than two consecutive gaming</p>		Emergency status beginning July 10, 2017 and expiring December 5, 2017.
March 7, 2017	<p>Emergency/Proposed Regulations DLS Control No. 17-021 Department of Labor, Licensing, and Regulation: Racing Commission: Prohibited Acts: COMAR 09.10.03.01, .10</p> <p>The purpose of this action is to authorize the Maryland Racing Commission to conduct out-of-competition specimen collection and testing for prohibited substances on horses that are engaged in activities related to competing in horse racing in Maryland.</p>		Emergency status beginning May 18, 2017 and expiring September 1, 2017.

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	<p>Samples will be tested to ensure compliance with the applicable medication and anti-doping standards of the Association of Racing Commissioners International, Inc. of which the Maryland Racing Commission is a member.</p> <p>The Maryland Racing Commission has been engaged in national and regional uniform medication reform. Adopting these regulations on an emergency basis will allow the Racing Commission to have an out-of-competition sampling and testing program in place prior to the 2017 Preakness Stakes in May, 2017.</p>		